

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

LISA BENSON COOPER,

Plaintiff,

vs.

SCRIPPS MEDIA, INC.,

Defendant.

Case No. 17-cv-00041-BP

**DEFENDANT'S OBJECTIONS AND COUNTER-DESIGNATIONS TO  
PLAINTIFF'S DESIGNATIONS OF DEPOSITION TESTIMONY FOR TRIAL**

Defendant Scripps Media, Inc. ("Defendant"), by and through undersigned counsel, hereby provides its objections and counter-designations<sup>1</sup> to Plaintiff's deposition designations as follows:

<b>Deposition Testimony of Samuel Eaton, December 12, 2017</b>		
<b>Plaintiff's Deposition Designations</b>	<b>Defendant's Counter Designations</b>	<b>Defendant's Objections</b>
5:8-13		
6:10-12; 15		
7:5-18		
8:2-13		
9:3-13:13		9:3-21 - Irrelevant; personal opinion; FRE 403 (Eaton is not a decisionmaker); 12:18-23 - leading; compound question; hearsay as to Dia Wall's reaction
13:23-14:8		Speculation as to Hofmann's and Greenstein's presence; lack of personal knowledge
14:14-16:2		15:18-23 - leading and suggestive; counsel testifying
22:20-24:4		Irrelevant; FRE 403 (use of inflammatory and profane words); personal opinion; vague and hearsay
24:12-26:6		24:21-25:5 - Irrelevant; FRE 403 (implies Marusarz was management) personal opinion; speculative
27:5-28:6		Irrelevant; FRE 403 (Eaton is not a decisionmaker and did not supervise Plaintiff); personal opinion; speculative;

<sup>1</sup> Defendant intends to call at trial the witnesses designated herein, and does not waive its right to call any witness on any and all relevant topics, including those not counter-designated.

		27:5-10 – hearsay and/or speculation
29:2-7		Irrelevant
29:19-32:17		
33:8-34:1		Speculative; irrelevant; FRE 403 (implies anchors and reporters/MMJs have same duties and are similarly-situated)
39:13-19		Irrelevant; FRE 403 (Eaton is not a decisionmaker and did not supervise Greenstein); personal opinion; speculative; hearsay 39:17-25 - hearsay
39:21-40:4	40:7-9	39:21-25 - hearsay
40:11-41:20		Personal opinion; speculative; hearsay
41:25-42:19		
42:23-43:25		Irrelevant; FRE 403 (Eaton and Boal are not decisionmakers, are not similarly situated to Plaintiff, and did not hold her same job); personal opinion; vague and hearsay
44:2		Irrelevant; speculative; hearsay
45:14-46:7		
46:25-47:10		
47:20-48:12		
48:16-49:12		
51:1-52:21		Irrelevant; hearsay; personal opinion concerning the nature of the words used; speculation; vague and hearsay FRE 403 (use of inflammatory words and profanity)
<b>Deposition Testimony of Kent Chapline [30(b)(6)], September 27, 2018</b>		
<b>Plaintiff's Deposition Designations</b>	<b>Defendant's Counter Designations</b>	<b>Defendant's Objections</b>
7:24-8:2		
8:11-21		
9:20-10:07	10:8-11	
10:12-16:1		Irrelevant; lacks foundation; vague and FRE 403 in that lawsuit involves Plaintiff's alleged retaliatory non-renewal based on her Facebook post concerning "White Women's tears" for which the company received complaints and her post concerning "Burning Down a Village;" beyond the scope of the corporate deposition and misleading in that Chapline is not a decisionmaker
19:23-24:13		Irrelevant; lacks foundation; vague and FRE 403 in that lawsuit involves Plaintiff's alleged retaliatory non-renewal based on her Facebook post concerning "White Women's tears" for which the company received complaints and her post concerning "Burning Down a Village;" beyond the scope of the corporate

		deposition and misleading in that Chapline is not a decisionmaker
25:1-21		Irrelevant; lacks foundation; vague and FRE 403 in that lawsuit involves Plaintiff's alleged retaliatory non-renewal based on her Facebook post concerning "White Women's tears" for which the company received complaints and her post concerning "Burning Down a Village;" beyond the scope of the corporate deposition and misleading in that Chapline is not a decisionmaker
26:6-23		Irrelevant; lacks foundation; vague and FRE 403 in that lawsuit involves Plaintiff's alleged retaliatory non-renewal based on her Facebook post concerning "White Women's tears" for which the company received complaints and her post concerning "Burning Down a Village;" beyond the scope of the corporate deposition; misleading in that Chapline is not a decisionmaker
27:11-29:18		Irrelevant; lacks foundation; vague and FRE 403 in that lawsuit involves Plaintiff's alleged retaliatory non-renewal based on her Facebook post concerning "White Women's tears" for which the company received complaints and her post concerning "Burning Down a Village;" beyond the scope of the corporate deposition and misleading in that Chapline is not a decisionmaker
35:3-7		
45:8-46:1	43:25-44:17	Irrelevant as to timeframe; not similarly-situated since Plaintiff was not disciplined for any issue involving administrative rights; beyond the scope of the corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference
46:18-49:8		Irrelevant as to timeframe; not similarly-situated since Plaintiff was not disciplined for any issue involving administrative rights; beyond the scope of the corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; document speaks for itself and is the best evidence
50:5-8		Irrelevant as to timeframe; not similarly-situated since Plaintiff was not disciplined for any issue involving administrative rights; beyond the scope of the corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; vague; personal opinion
52:20-53:14		Irrelevant as to timeframe; not similarly-situated since Plaintiff was not disciplined for any issue involving

		administrative rights; beyond the scope of the corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; vague; personal opinion
66:9-17		
67:17-68:18		Objection as not similarly-situated in does not involve complaints concerning race/sex; FRE 403; misleading in that Chapline is not a decisionmaker; beyond the scope of corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference
70:8-16		Objection as not similarly-situated in does not involve complaints concerning race/sex; FRE 403; misleading in that Chapline is not a decisionmaker; beyond the scope of corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; document speaks for itself and is the best evidence
71:14-23		Objection as not similarly-situated in does not involve complaints concerning race/sex; FRE 403; misleading in that Chapline is not a decisionmaker; beyond the scope of corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; document speaks for itself and is the best evidence; personal opinion
71:25-72:13		Objection as not similarly-situated in does not involve complaints concerning race/sex; FRE 403; misleading in that Chapline is not a decisionmaker; beyond the scope of corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; document speaks for itself and is the best evidence; personal opinion
74:9-75:24		Objection as not similarly-situated in does not involve complaints concerning race/sex; FRE 403; misleading in that Chapline is not a decisionmaker; beyond the scope of corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; document speaks for itself and is the best evidence; personal opinion
76:2-77:15	77:17-78:2	Objection as not similarly-situated in does not involve complaints concerning race/sex; FRE 403; misleading in that Chapline is not a decisionmaker; beyond the scope of corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; document speaks for itself and is the best evidence; personal opinion
78:17-22		Objection as not similarly-situated in does not involve complaints concerning race/sex; FRE 403; misleading

		in that Chapline is not a decisionmaker; beyond the scope of corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference
78:24-79:6	79:7-80:6	Objection as not similarly-situated in does not involve complaints concerning race/sex; FRE 403; misleading in that Chapline is not a decisionmaker; beyond the scope of corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; document speaks for itself and is the best evidence
80:7-15	80:17-24	Objection as not similarly-situated in does not involve complaints concerning race/sex; FRE 403; misleading in that Chapline is not a decisionmaker; beyond the scope of corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; document speaks for itself and is the best evidence; personal opinion
81:16-83:23	80:25-81:14	Objection as not similarly-situated in does not involve complaints concerning race/sex; FRE 403; misleading in that Chapline is not a decisionmaker; beyond the scope of corporate deposition; objections from Defendant's motion in limine on this point are incorporated herein by reference; document speaks for itself and is the best evidence; personal opinion
93:6-9		Document speaks for itself and is the best evidence; beyond the scope of the corporate deposition
95:3-13		Document speaks for itself and is the best evidence
98:19-100:15	104:9-106:23, 108:5-22	
115:11-22		Irrelevant; beyond the scope of the corporate deposition; personal opinion; misleading in that Chapline is not a decisionmaker
131:25-132:19		Irrelevant; beyond the scope of the corporate deposition; personal opinion; misleading in that Chapline is not a decisionmaker
133:8-135:4		Irrelevant; document speaks for itself and is the best evidence; beyond the scope of the corporate deposition; personal opinion; misleading in that Chapline is not a decisionmaker
135:6-136:24		Irrelevant; document speaks for itself and is the best evidence; beyond the scope of the corporate deposition; personal opinion; misleading in that Chapline is not a decisionmaker
138:11-139:15		Irrelevant; document speaks for itself and is the best evidence; beyond the scope of the corporate deposition; personal opinion

142:9-11		Irrelevant; beyond the scope of the corporate deposition; FRE 403; objection as not similarly-situated
143:21-25		Irrelevant; document speaks for itself and is the best evidence; beyond the scope of the corporate deposition; FRE 403; objection as not similarly-situated
144:16-145:10		Irrelevant; document speaks for itself and is the best evidence; beyond the scope of the corporate deposition; FRE 403; objection as not similarly-situated; personal opinion
165:15-167:13		Irrelevant; beyond the scope of the corporate deposition; FRE 403; objection as not similarly-situated
<b>Deposition Testimony of Erica Storrs [30(b)(6)], September 27, 2018</b>		
<b>Plaintiff's Deposition Designations</b>	<b>Defendant's Counter Designations</b>	<b>Defendant's Objections</b>
6:22-23		
7:1-2		Irrelevant
7:7-8:11		
11:1-4		
11:14-12:24		12:22-24 - attorney/client privilege
13:3-4		Irrelevant
21:24-23:1		22:12-16 - irrelevant
23:15-24:11		Speculative
25:25-26:20	27:9-10	Irrelevant; attorney/client privilege
28:3-9		Irrelevant; attorney/client privilege
45:8-24	36:14-23, 37:11-38:7	Not similarly-situated
46:7-9		Irrelevant
46:18-47:16		Irrelevant; no personal knowledge
48:11-49:6		Irrelevant; vague; not similarly-situated; FRE 403
50:2-51:18		Irrelevant; attorney/client privilege; personal opinion
52:9-14		Irrelevant; attorney/client privilege
53:14-16		Misstatement
54:13-56:5		55:1-56:5 - Irrelevant; misleading; vague
56:20-58:4		55:1-56:5 - Irrelevant; misleading; misstatement of testimony
<b>Deposition Testimony of Brian Bracco, December 4, 2017</b>		
<b>Plaintiff's Deposition Designations</b>	<b>Defendant's Counter Designations</b>	<b>Defendant's Objections</b>
6:25-7:19		7:2-6 - Irrelevant

16:12-17:1		16:12-18 - Irrelevant
17:8-10	17:11-24, 19:6-23	
26:20-22	26:15-19, 26:23-27:1	
27:2-20	37:17-39:9	Speculative; personal opinion; vague
30:19-31:10	31:11-13, 31:17-32:9	Irrelevant; hearsay
63:14-64:8		63:14-19 - Irrelevant
76:14-79:13		Irrelevant; document speaks for itself and is the best evidence; FRE 403 (inflammatory); the legal arguments from Defendant's motion in limine on this point are incorporated herein by reference
88:2-23		Vague
89:2-93:2		Document speaks for itself and is the best evidence; vague; speculative
110:25-113:19		Irrelevant; Miller testimony excluded by the Court; vague
116:3-16		Irrelevant; vague
120:19-122:11		Irrelevant; hearsay; vague
139:13-140:24		
145:6-12		Personal opinion

Dated: January 7, 2019

Respectfully submitted,  
DENTONS US LLP

By: /s/ Mark P. Johnson

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**CERTIFICATE OF SERVICE**

I hereby certify on this 7th day of January, 2019, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will notify the following counsel of record:

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